

1
2
3
4
5
6
7
(Stipulating Parties Listed on Signature Pages)
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

**In re: CATHODE RAY TUBE (CRT)
ANTITRUST LITIGATION**

This Document Relates to:

BEST BUY ACTIONS
11-cv-05513-SC
13-cv-05264-SC

MDL No. 1917

Case No. CGC-11-515784

**SUPPLEMENTAL STIPULATION AND
[PROPOSED] ORDER REGARDING
DISCOVERY TO OCCUR AFTER
SEPTEMBER 5, 2014**

1 This Supplemental Stipulation and Proposed Order Regarding Discovery to Occur After
 2 September 5, 2014 between defendants Panasonic Corporation, Panasonic Corporation of North
 3 America, and MT Picture Display Co., Ltd. (together, the “Panasonic Defendants”), on behalf of
 4 themselves and the undersigned defendants, on the one hand, and plaintiffs Best Buy Co., Inc., Best
 5 Buy Purchasing LLC, Best Buy Enterprise Services, Inc., Best Buy Stores, L.P., Bestbuy.com,
 6 L.L.C., and Magnolia Hi-Fi, LLC (collectively, “Best Buy”), on the other hand, is made with respect
 7 to the following facts and recitals:

8 WHEREAS, on March 21, 2014, the Court entered a scheduling order setting the close of
 9 fact discovery for September 5, 2014. *See* Dkt. No. 2459.

10 WHEREAS, on September 9, 2014, the Court entered as an order the parties Stipulation
 11 Regarding Discovery to Occur After September 5, 2014, which provided, among other things, that
 12 the Panasonic Defendants may notice or subpoena and take the deposition of an additional witness
 13 after September 5, 2014 but no later than October 15, 2014, in connection with Best Buy’s
 14 competitive intelligence activities, consistent with the July 28 Order and the Court’s Order re
 15 Discovery and Case Management Protocol (Dkt. No. 1128). *See* Dkt. No. 2822.

16 WHEREAS, on September 12, 2014, pursuant to that Stipulation and Order, the Panasonic
 17 Defendants identified Debbie Ayala as an additional percipient witness.

18 WHEREAS, on or about September 18, 2014, Best Buy indicated that Ms. Ayala was
 19 available for deposition on October 4, 2014, and on September 27, 2014, the Panasonic Defendants
 20 noticed Ms. Ayala’s deposition accordingly.

21 WHEREAS, on September 29, 2014, Best Buy informed the Panasonic Defendants that Ms.
 22 Ayala was no longer available on October 4, 2014, but could be available instead on October 18,
 23 2014.

24 WHEREAS, the Panasonic Defendants and Best Buy have conferred by and through their
 25 counsel and, subject to the Court’s approval, HEREBY STIPULATE AS FOLLOWS:

- 26 1. Defendants will take the deposition of Debbie Ayala on October 18, 2014 or another
 27 mutually agreeable date.
- 28 2. In the event Ms. Ayala’s deposition does not proceed because Ms. Ayala becomes

1 unavailable, the Panasonic Defendants and Best Buy agree to meet and confer in
2 good faith to select a different, available witness from the alternative witnesses
3 identified by the Panasonic Defendants on September 12, 2014.

- 4 3. Best Buy hereby waives any argument that testimony provided at any forthcoming
5 Best Buy percipient witness deposition, as set forth above, is inadmissible because
6 such deposition occurred after September 5, 2014.
- 7 4. Best Buy expressly reserves and does not waive all other objections, including
8 deposition objections and evidentiary objections regarding the admissibility of any
9 testimony provided at any additional Best Buy percipient witness deposition.
- 10 5. Defendants expressly reserve the right to request the production of additional
11 documents related to competitive intelligence identified at any Best Buy deposition
12 set forth in paragraph (1) or (2) above that takes place after the September 5, 2014
13 discovery deadline, within forty-eight hours after the conclusion of such deposition.
14 Best Buy hereby waives any objections to the production and admissibility of such
15 documents on the basis that the discovery deadline has passed. However, Best Buy
16 does not waive other objections.
- 17 6. To the extent a motion to compel may be required in connection with the depositions
18 set forth in paragraphs (1) or (2) above, defendants may file such motion within five
19 calendar days after the depositions in question or, with respect to documents, within
20 five calendar days after any decision by Best Buy regarding the production of the
21 requested documents.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: October 22, 2014


Hon. Samuel Conti
United States District Court Judge

Date: October 6, 2014

WINSTON & STRAWN LLP

By: /s/ Eva W. Cole

JEFFREY L. KESSLER (*pro hac vice*)
Email: jkessler@winston.com
EVA W. COLE (*pro hac vice*)
Email: ewcole@winston.com
MOLLY M. DONOVAN (*pro hac vice*)
Email: mmdonovan@winston.com
ALDO A. BADINI (257086)
Email: abadini@winston.com
WINSTON & STRAWN LLP
200 Park Avenue
New York, New York 10166-4193
Telephone: (212) 294-6700
Facsimile: (212) 294-4700

STEVEN A. REISS (*pro hac vice*)
Email: steven.reiss@weil.com
DAVID L. YOHAI (*pro hac vice*)
Email: david.yohai@weil.com
ADAM C. HEMLOCK (*pro hac vice*)
Email: adam.hemlock@weil.com
WEIL, GOTSHAL & MANGES LLP
767 Fifth Avenue
New York, New York 10153-0119
Telephone: (212) 310-8000
Facsimile: (212) 310-8007

*Attorneys for Defendants Panasonic Corporation
(f/k/a Matsushita Electric Industrial Co., Ltd.),
Panasonic Corporation of North America, MT
Picture Display Co., Ltd.*

ROBINS, KAPLAN, MILLER & CIRESI L.L.P.

By: /s/ Laura E. Nelson

Elliot S. Kaplan
K. Craig Wildfang

1 Laura E. Nelson
2 ROBINS, KAPLAN, MILLER & CIRESI L.L.P.
3 800 LaSalle Avenue
4 2800 LaSalle Plaza
5 Minneapolis, MN 55402
6 Telephone: (612) 349-8500
7 Facsimile: (612) 339-4181
8 Email: eskaplan@rkmc.com
9 kcwildfang@rkmc.com
10 lenelson@rkmc.com

11 Roman M. Silberfeld
12 David Martinez
13 Jill S. Casselman
14 ROBINS, KAPLAN, MILLER & CIRESI L.L.P.
15 2049 Century Park East, Suite 3400
16 Los Angeles, CA 90067-3208
17 Telephone: (310) 552-0130
18 Facsimile: (310) 229-5800
19 Email: rmsilberfeld@rkmc.com
20 dmartinez@rkmc.com
21 jscasselman@rkmc.com

22 *Counsel For Plaintiffs Best Buy Co., Inc., Best Buy
23 Purchasing LLC, Best Buy Enterprise Services,
24 Inc., Best Buy Stores, L.P., Bestbuy.com, L.L.C.,
25 and Magnolia Hi-Fi, LLC, and on behalf of the
26 Direct Action Plaintiffs*

27 WHITE & CASE LLP

28 By: /s/ Lucius B. Lau
CHRISTOPHER M. CURRAN (*pro hac vice*)
Email: ccurran@whitecase.com
LUCIUS B. LAU (*pro hac vice*)
Email: alau@whitecase.com
DANA E. FOSTER (*pro hac vice*)
Email: defoster@whitecase.com
WHITE & CASE LLP
701 Thirteenth Street, N.W.
Washington, DC 20005
Telephone: (202) 626-3600
Facsimile: (202) 639-9355

29 *Attorneys for Defendants Toshiba Corporation,
30 Toshiba America, Inc., Toshiba America
31 Information Systems, Inc., Toshiba America
32 Consumer Products, L.L.C., and Toshiba America
33 Electronic Components, Inc.*

1 BAKER BOTTS LLP
2

3 By: /s/ Jon V. Swenson
4 JON V. SWENSON (SBN 233054)
5 Email: jon.swenson@bakerbotts.com
6 BAKER BOTTS LLP
7 1001 Page Mill Road
8 Building One, Suite 200
9 Palo Alto, CA 94304
10 Telephone: (650) 739-7500
11 Facsimile: (650) 739-7699

12 JOHN M. TALADAY (*pro hac vice*)
13 Email: john.taladay@bakerbotts.com
14 JOSEPH OSTOYICH (*pro hac vice*)
15 Email: joseph.ostoyich@bakerbotts.com
16 ERIK T. KOONS (*pro hac vice*)
17 Email: erik.koons@bakerbotts.com
18 CHARLES M. MALAISE (*pro hac vice*)
19 Email: charles.malaise@bakerbotts.com
BAKER BOTTS LLP
1299 Pennsylvania Avenue, N.W.
Washington, DC 20004-2400
Telephone: (202) 639-7700
Facsimile: (202) 639-7890

20 Attorneys for Defendants Koninklijke Philips N.V.
21 and Philips Electronics North America
22 Corporation

23 MUNGER, TOLLES & OLSON LLP
24

25 By: /s/ Hojoon Hwang
26 HOJOON HWANG (SBN 184950)
27 Email: Hojoon.Hwang@mto.com
MUNGER, TOLLES & OLSON LLP
28 560 Mission Street, Twenty-Seventh Floor
San Francisco, CA 94105-2907
Telephone: (415) 512-4000
Facsimile: (415) 512-4077

29 WILLIAM D. TEMKO (SBN 098858)
30 Email: William.Temko@mto.com
JONATHAN E. ALTMAN (SBN 170607)
31 Email: Jonathan.Altman@mto.com
BETHANY W. KRISTOVICH (SBN 241891)
32 Email: Bethany.Kristovich@mto.com
MUNGER, TOLLES & OLSON LLP

355 South Grand Avenue, Thirty-Fifth Floor
Los Angeles, CA 90071-1560
Telephone: (213) 683-9100
Facsimile: (213) 687-3702

Attorneys for Defendants LG Electronics, Inc.; LG, LG Electronics USA, Inc.; and LG Electronics Taiwan Taipei Co., Ltd.

KIRKLAND & ELLIS LLP

By: /s/ Eliot A. Adelson
ELIOT A. ADELSON (SBN 205284)
Email: eadelson@kirkland.com
KIRKLAND & ELLIS LLP
555 California Street
27th Floor
San Francisco, CA 94104
Telephone: (415) 439-1413
Facsimile: (415) 439-1500

Attorneys for Defendants Hitachi, Ltd., Hitachi Displays, Ltd. (n/k/a Japan Display East, Inc.), Hitachi Asia, Ltd., Hitachi America, Ltd., and Hitachi Electronic Devices (USA), Inc.

FRESHFIELDS BRUCKHAUS DERINGER

By: /s/ Richard Snyder
Terry Calvani Cal. Bar. No. 53260
Christine Laciak (*pro hac vice*)
Richard Snyder (*pro hac vice*)
FRESHFIELDS BRUCKHAUS
DERINGER US LLP
701 Pennsylvania Avenue NW, Suite 600
Washington, D.C. 20004
Telephone: (202) 777-4565
Facsimile: (202) 777-4555
Email: terry.calvani@freshfields.com
christine.laciak@freshfields.com
richard.snyder@freshfields.com

*Attorneys for Beijing-Matsushita Color CRT
Company, Ltd.*

GIBSON, DUNN & CRUTCHER LLP

By: /s/ Rachel S. Brass
Rachel S. Brass Cal. Bar. No. 219301

1 Joel S. Sanders Cal. Bar. No. 107234
2 Austin V. Schwing Cal. Bar. No. 211696
3 GIBSON, DUNN & CRUTCHER LLP
4 555 Mission Street, Suite 3000
5 San Francisco, CA 94105
6 Telephone: (415) 393-8200
7 Facsimile: (415) 393-8306
8 Email: rbrass@gibsondunn.com
9 jsanders@gibsondunn.com
aschwing@gibsondunn.com

10 Attorneys for Defendants *Chunghwa Picture Tubes, Ltd.* and *Chunghwa Picture Tubes (Malaysia)*

11 FAEGRE BAKER DANIELS LLP

12 By: /s/ Kathy L. Osborn
13 Kathy L. Osborn (*pro hac vice*)
14 Ryan M. Hurley (*pro hac vice*)
15 FAEGRE BAKER DANIELS LLP
16 300 N. Meridian Street, Suite 2700
17 Indianapolis, IN 46204
18 Telephone: (317) 237-0300
19 Facsimile: (317) 237-1000
20 Email: kathy.osborn@FaegreBD.com
ryan.hurley@FaegreBD.com

21 Jeffrey S. Roberts (*pro hac vice*)
22 FAEGRE BAKER DANIELS LLP
23 3200 Wells Fargo Center
24 1700 Lincoln Street
25 Denver, CO 80203
Telephone: (303) 607-3500
Facsimile: (303) 607-3600
Email: jeff.roberts@FaegreBD.com

26 Stephen M. Judge (*pro hac vice*)
27 FAEGRE BAKER DANIELS LLP
28 202 S. Michigan Street, Suite 1400
South Bend, IN 46601
Telephone: (574) 234-4149
Facsimile: (574) 239-1900
Email: steve.judge@FaegreBd.com

Attorneys for Defendants *Thomson SA* and
Thomson Consumer Electronics, Inc.

JENNER & BLOCK LLP

1 By: /s/ *Michael T. Brody* _____
2 JENNER&BLOCK LLP
3 Terrence J. Truax (*pro hac vice*)
4 Michael T. Brody (*pro hac vice*)
5 353 North Clark Street
6 Chicago, Illinois 60654-3456
Telephone: (312) 222-9350
Facsimile: (312) 527-0484
ttruax@jenner.com
mbrody@jenner.com

7 Brent Caslin (Cal. Bar. No. 198682)
8 JENNER & BLOCK LLP
9 633 West Fifth Street, Suite 3600
Los Angeles, California 90071
Telephone: (213) 239-5100
Facsimile: (213) 239-5199
bcaslin@jenner.com

10
11 *Attorneys for Defendants Mitsubishi Electric*
12 *Corporation, Mitsubishi Electric US, Inc. and,*
13 *Mitsubishi Electric Visual Solutions America, Inc.*

14 Pursuant to Local Rule 5-1(i)(3), the filer attests that concurrence in the filing of this
15 document has been obtained from each of the above signatories.
16
17
18
19
20
21
22
23
24
25
26
27
28